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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JASON SANTORO,

Petitioner,

*versus*

WARDEN, FCI BEAUMONT,

Respondent.

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CIVIL ACTION NO. 1:19-CV-70

**MEMORANDUM ORDER OVERRULING PETITIONER’S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Jason Santoro, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting respondent’s motion to dismiss or, in the alternative, motion for summary judgment. Accordingly, the magistrate judge also recommended the above-styled petition should be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge’s Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes petitioner’s objections are without merit. Petitioner has failed to show the violation of a constitutional right or associated prejudice

regarding the contested prison disciplinary action. Accordingly, the defendants' motion to dismiss and motion for summary judgment should be granted.

Additionally, petitioner complains in his objections that he did not receive notice of his confinement in administrative segregation prior to such confinement. However, petitioner's claim does not affect the fact or duration of confinement. Thus, the claim does not serve as the basis for habeas corpus relief. Further, petitioner does not have a liberty interest in his custodial classification or confinement in the general population; thus, confinement in administrative segregation is not protected by due process. *See Sandin v. Conner*, 515 U.S. 472, 486 (1995) (holding that "discipline in segregated confinement did not present the type of atypical, significant deprivation in which a State might conceivably create a liberty interest").

#### **ORDER**

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. It is

**ORDERED** that the respondent's motion to dismiss or, in the alternative, motion for summary judgment is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 12th day of March, 2020.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE